

**Karner Blue HCP
Implementation Oversight Meeting
February 15, 2005
Eau Claire**

IOC Attending: Matt Krumenauer (IOC Chair, ATC), Joel Aanensen (Plum Creek Timber), Gary Birch (DOT), Dave Lentz (DNR), Ursula Petersen (DATCP), Steve Richter (TNC), Jim Zahasky (Jackson County Forest). Recorder: Jaime Thibodeaux (DNR)

Guests Attending: Cathy Carnes (USFWS), Jimmy Christenson (DNR), Lorin Hicks (Plum Creek Timber), Bob Radspinner (Plum Creek Timber), Darrell Zastrow (DNR)

1. Anti-Trust Statement was given by Jimmy Christenson
2. The minutes from the 10-13-04 IOC meeting were approved as stands.
3. Briefing on DNR Budget

Darrell Zastrow:

We received a second KBB position, and we figured out how to fund it. We opened the position, and received applicants. That position was cut in the budget. Along with that budget with the governor cut, there is the contract possibility. The DNR is going through significant FTE cuts. The governor has been in office for 2 years, and we will be looking at continued FTE reductions.

Potential for contracting:

In Dec, when the department proposed this budget cuts, Jimmy ran into Sand County Foundation (SCF). They were very interested contracting a position. We met with Sand County and talked about the potential that the foundation could, given money, could contract this. There are some parallels with TNC doing this with DNR. That's the model we're using for this.

What's the timetable with SCF?

- We don't know the budget until it is signed, and we won't have contract money until it is signed in November or December.
- Could SCF pay for the position now and get paid back by the DNR? SCF is likely not willing to front this money themselves.

The Discussion of the Logistics of this option:

- This position could be housed in the DNR office.
- *Jimmy:* Under state law, we would have problems with the partners we regulate, but since SCF is a foundation. SCF has had experience with this previously. We just have to be very cautious about this. SCF is dead in the thick of the KBB stuff already, so why not? If we do this, of course, it would be a very sterile agreement.
- Would this person be hired by SCF?
Jimmy: SCF would contract this person. We would enter into a cooperative agreement with SCF to provide services.
- It's not going to affect the HCP, it will affect Dave. It does send some different kind of messages to the partners. We believe we have seen a turn-over of LTEs and the inefficiencies due to turnover. We don't have the money now, but we will have it when the budget gets signed.
- *Jimmy:* Brent Haglund still needs approval from his foundation. If SCF isn't available, then we would find somewhere else.
- There is frustration with the waiting for the budget. We have a large backlog of things to be done. There is discussion of getting some partners to assist with the early payment for the position prior to the budget signing.

Discussion of hiring the person:

- How do you make sure you get the right person for the position?
We can work with them on the selection, and it's easier to terminate.

- Can we help hire this person? *Jimmy*: This could be through an advisory council. We have come-up with the competency requirements for the position. With TNC we put into the requirements that the person has to have right in the agreement. We can work through the hiring process. Our money will be carefully watched for how we spend this money. We have done this before.
- *Dave*: Mostly when the budget was released, we didn't want people to think it was my position being eliminated.
- *Jimmy*: We simply can't contract with some of the partners because of the laws. By November or December, we can have someone on board with us via state funding. When I talked to Brent, we thought we could use state funding. SCF would be capable to collect money for the position if there was thought that you would want to have partners contribute toward the position to allow it to start earlier.
- Lorin- how much would this cost?
- Darrell – 50-70,000 on an annual basis.
- Lorin – so, what kind of commitment would you have that the person would be around in continuous years?
- The budget is on a continual basis. Each budget is 2 years. The funding is taken out of the base budget.

Any objections?

- The IOC is supporting this contract with SCF.

4. Review of previous action items (attached)

Ursula –asked about the adding of bromasil to the list of herbicides and if this was done. There is another name for this pesticide still floating around in our documents.

Dave – Adding Bromasil is the only proposed amendment. There is probably a product and a trade name. The amendment is on hold because the only people using the product are railroads, and we have no RRs in the HCP.

5. Update HCP 6-month Review Meeting held Oct. 20, 2004 and DNR/FWS working meeting held Dec. 13 & 14, 2004. Questions and Answers?

Discussion of prioritizing our tasks to get things accomplished.

- There are thoughts that we may need to prioritize the issues on the back-log. It seems like a lot of the production has to always go through Dave. Things are reaching critical mass with Dave.
- We are a partnership, so we need to have partners working together to get this work accomplished. However, we've lost many veteran HCP folks who once accomplished great things. This may be why so much has fallen back on Dave.
- *Cathy* : I am also limited with resources. One solution: retain a KBB species expert as a consultant, work it out with the partners, and then approve it with the committee. That person is already coordinated with us, and can help to work things out before we have to make decisions.
- What about funding for this?
- *Cathy*: The partnership? FWS could fund recovery-related stuff. Otherwise grants could pay for this person.

What are some of the other solutions?

- Matt: We could definitely just use partners for many of these tasks. The management guideline updates, for example, could be done by the partners. Can we ask a partner to *lead* some of these groups to get things done (like the monitoring research)? Dave: I did ask, and no one would accept the lead.
- Could some of the county forests take time to work on these projects?
- *Jim*: We have people with a background of interests, but I hesitate to say that we are able to fit-in another thing.
- Everyone's over-worked. It might be good to have a list of tasks to accomplish for one year. If we have 4 things we need to get done, then we could get those done and come to the IOC ready with having things to vote on and work on.

- We also need to come to quicker conclusions on things and try them out. We could throw more resources into researching things before we decide, but I (Gary) think we need to make decisions and go with them.
- Would that work for everyone to make some priorities? Why don't we work from the top?
- You might have comment on the annual report to see if things work, so we can adjust them annually.
- Coming to meetings to make decisions is nothing compared to the amount of work needed in the field for some of these surveys and things.

ACTION: Matt & Dave will put-out a work list and send it out to everyone. Matt and Dave to compile list of priorities for the next two years and draft objectives and milestones for these items. Matt will ask IOC members to comment and provide the thumbs up and then Matt will develop an action plan for each item.

- *Dave:* We'll have to see which of these items are in Cathy's court.
- *Cathy:* When you submit these things you need good biological explanation behind it, because I'm only one person working on a variety of species. You can't just say, "this is easier this way"; you have to have a biological justification on it. Example of a CI.

6. Pre-management Survey Exemptions – how will we deal with this growing issue?

Background Discussion:

- Some partners have areas where they are doing surveys where there are never going to be KBBs. It's time consuming. Maybe on the edge of the range, or whatever, but not a really good answer for why. TNC property for example. There are a few others. Talking to Cathy we thought of two options: 1. Pull the land out of the HCP so partners don't have to do surveys? This adds complexity and concern about pulling land out of the HCP. OR 2. Develop criteria with justifications to exempt pre-management surveys. Fold this into a protocol which does not require any pre-approval.

Possible Solutions:

- *Dave:* I propose that we come-up with reasons for why we don't need pre management surveys in some areas at tomorrow's meeting. What we would come-up with is a list of criteria, where partners would document these criteria. If this protocol isn't working we would make some adaptive management decisions. I wanted to talk to you folks about it.
- *Gary:* There is also the third option: Write a one or two page letter to Dave. This is often case-by-case and seems tedious.
- If acreages in the HCP changed some people wouldn't understand why we would do this and think it was bad. Therefore it would be a bad idea to pull land out of the HCP and it's also time-consuming. Most partners know where they will and won't find lupine or KBBs. Aspen stands, for example, in some areas won't hold lupine. We all have limited resources and we need to focus where KBB are likely and set some of the low potential areas aside. But, we should keep these low potential areas in the HCP to have incidental take coverage just-in-case circumstances change. Fish Creek, for example, built dikes and roadways with soil containing lupine seeds. Karners colonized all over their dike. Therefore, there would be no pre-management surveys on low potential lands, but would still be coverage by the HCP. So then our acreage would not change. If a partner found lupine here in the future they would add them back into the high potential lands, and again subject to surveys.
- The partners could help us define this low potential. The criteria would be defined in a brainstorm tomorrow.
- *Cathy:* We could ask the partners for this data to justify this. Right now we have criteria for pre management surveys where they don't have to do the survey.
- We could get these criteria, and then bring the results back to Cathy to see if this is biologically sound. Then bring the criteria it back to the partners and tell them what to do.
- Could we just look for each proposal individually? There may be endless criteria to go by. However, by sharing criteria right now with everyone, don't have to come-up with their own. Partners cannot continue to do surveys in these areas because it's a crunch on their resources. There are times when you can fill out surveys from the office without even going into the field

simply knowing the canopy cover is too dense for lupine. There are other criteria we can look at so people can make that call from the office without having to travel into the field.

- *Cathy*- it would be good for this group to go over this list of criteria. Have a review step before you bring over to the service.
- Right now some partners technically have to conduct surveys through farm fields, etc. If we know what is there, partners would do this through their inventory of lands. Often you can tell if it meets criteria at any time, but can only do the pre-management surveys when can find lupine. Therefore, it would be helpful to have a list of criteria where you can eliminate conducting a survey in the summer.

ACTION Dave, Matt, Jaime: Dave will provide some direction and examples at tomorrow's HCP meeting and afterwards, Matt will email partners to request a preliminary list of criteria and justification to exempt pre- management surveys. Jaime will provide Matt with an email distribution list.

7. Permanent Take and Mitigation Planning, Approval and Banking

Note: A meeting with the Service and other players took place Feb. 8th. A summary of this meeting was shared.

Dave's summarized the Feb. 8th mitigation meeting:

To date the types of projects that have required mitigation have been temporary take with habitat being replaced quickly, e.g. maintenance of culverts, taking out the hills on a road, etc. The HCP defines permanent take as:

"Permanent take is an impact to Karner blue butterfly habitat, through land management or land use activities, that precludes Karner blue butterfly occupation. Such long-term impact involves taking that does not allow for the restoration and reoccupation of the site for a minimum of five years. Activities or projects that may fall within the definition of permanent take include, but are not limited to:

- ☞ *construction of roadways and parking lots;*
- ☞ *construction of buildings or structures and associated facilities;*
- ☞ *other construction or development projects that cover or replace the habitat in a permanent manner (at least 5 years), such as an airport or a flowage; and*
 - ☞ *residential housing developments subject to subdivision plat (ch. 236, Wis. Stats.), certified survey (ch. 236, Wis. Stats.), or condominium (ch. 703, Wis. Stats.) approvals. [Note: This category does not include a permanent or second home and associated structures that are owned or built by the owner for his or her own use. This provision applies only to those housing developments approved after the date of permit issuance.]"*

Also the issue of perpetuity is being looked into by the Service. Janet Smith was not certain of how and when perpetuity would apply.

- Dave: Can proactive conservation be credited to partners in as a future mitigation credit? Why will partners want to continue doing voluntary pro-active conservation if they are expected to do costly and administratively complex mitigation? How can the Service expect partners' goodwill when mitigation is so onerous?
- Some of these things short-term projects where we're thinking they should just replace what they disturbed.
- *Cathy*- we call them replacement mitigation. Temporary take and replacement mitigation. It's still a conservation measure to mitigate for take. But from the FWS perspective if you're actually obliterating the habitat, FWS considers it taking it, even if you're putting it back.
- *Jimmy*: These projects are not as long-term as most people think of with mitigation. It's really a condition of the IT. It's like saying, you can do this, but these are the protocols you have to follow.
- *[See mitigation summary.] Dave*: We can have some standard protocols such as egg salvage, retain refugia, etc. Wayne H. asked if it would be possible to retain the same soil to limit invasives. Also he thinks not all small sites are bad. A lot of populations persist dispersed throughout the range. We also talked about the concept of mitigation in perpetuity. Perpetuity may not apply since projects with habitat replacement don't fit the HCP approved definition of permanent take (> 5 years). For

non-partners the HCP doesn't apply. For them, they would need to follow the more traditional approach to mitigation. I feel for mitigation planning outside HCP partners, that the Service negotiate with these parties directly; but the take can still happen under the HCP, i.e. the "one-time take".

Mitigation Banking Discussion:

- *Cathy*: In reviewing our HCP handbook, mitigations are supposed to fit with the conservation strategy and conservation of the species. Therefore we can be flexible. Again, we have to make sure it's biologically justifiable. We looked at putting together a list of criteria. For example: size, time to recovery, time lag for replacement, an egg salvage component, etc.
- Could you do something like adding money to exotic removal, or research?
 - *Cathy*: I think whatever makes sense for the site you're working on. One of the reasons we had the meeting, was to explore mitigation banks. I wanted to explore an option for partners that did want to do take, but want to contribute to recovery. I see it more as an option now, but many partners are doing such a small take that it's more of an option for some partners.
- Though we don't have much pavement going down or anything like that, there is concern that we are going to lose small sites over time. This is why it's important that partners are doing management on the landscape.
- *Cathy* -For limited partners that are not in spas and aces, going through these mitigation schemes shouldn't take a lot of time. I think the perpetuity question will be more of an issue if we have someone who wants to take a parking-lot on a nice piece of property. It's still called mitigation in our policy.
- I think we're going to take this one mitigation example at a time, and treat them as we discussed this here.
- *Gary*: DOT has no problems replacing habitat. But we cannot do this (manage) in perpetuity.

8. Restructuring Management Guidelines

Some management guidelines and protocols are duplicated in entity guidelines, i.e. Road ROW guidelines contain mowing, as does Weaver-Boos and the Wildlife Mgt. Guidelines. If the mowing guidance is the same in all, amending each creates complexity, workload and room for error or multiple standards. Should we restructure some management guidelines that cross over full/limited partners?

What are the positives and negatives?

- Mowing guidelines are found in several locations throughout our documents. Some of them are conflicting. Not everyone has the same ways of doing things. It's becoming difficult to give partners documents to follow. Right now we're working on limited partner mowing guidelines, and we've spent a long time on this.
- *Ursula*: Some of the pesticide documents conflict with each other. That's the danger. Things could conflict with each other and confuse people.
- If we have one set of management guidelines we could put them on the website they can be easily updated. If things change, we just need to change it in one location.
- I know for SCHA's some partners actually did research on knowing what works for pesticides. This could be shared with everyone.
- Currently, our HCP pesticide table conflicts with our handout. We could put together a sub-committee? They could find the inconsistencies and correct them.

IOC will entertain setting up a sub committee with a biologic expert to consolidate management guidelines into a single packet to be posted on the DNR website.

9. Update Appendix A of SHCAs

FWS would like a systematic method of tracking and updating the partner lands included (covered under permit) database. Could a self-service database be the answer?

- *Dave*: Land transfers are reported at annual report time. We recently realized that if a partner buys land that land is likely not covered under the ITP until the DNR is notified of the land purchase with a legal description. By following the HCP reporting process, incidental take on the new land might

be covered, but it would be much cleaner if the partner asked for it to be included before doing any taking.

- Matt: How we can improve this and maintain this: one way to do this is by entering this onto a secure on-line database. This could also be tied into a GIS system that would reserve survey monitoring results into a database.
- This can actually be tied into some of the monitoring systems that are going on with the Universities, and putting low-probability lands within the database, etc. We could possibly demonstrate SM on a large-scale. It gets to that point to where we get the lands database.
- Dave: There are other issues to consider such as security. Maybe we take and hire someone externally to implement this? You can manage the data protection through NHI system?
- The first step is a simple database is lands covered. Then with the KBB database. This would relieve a lot of the DNR workload to do it as an on-line system. It would also remove a few steps for lands included to give them IT.
- This would be our means of putting land in the database to give IT protection right way.
- Jimmy – I saw it as two ways to be protected: 1. your land is in the database to be covered. 2. It's covered if you comply with notification standard. But then there's the Issue if there's going to be immediate notification if it will be covered. We never talked about immediate coverage because the biggest issue was sale of lands, not acquisition.
- FWS needs a description of the area. FWS knows you have coverage, we know you have coverage, etc. My thought is let partners know that if they want coverage, then they should let us know. If you're not doing any management, then you don't need to tell us immediately.
- This will be an issue when there's several 1,000 acres involved. The first step is to get a good lands database.
- Lorin – Joel and I think it's good to have a good lands database. I've dealt with other states, and it seems to be do-able.
- Lorin – what are the cost implications for that? Dave: We don't really know.
- IOC Responsibility is to scope out the possibility, and cost of getting something implemented and determining what administratively needs to be done to accomplish this.

10. Audit Report 2005 – Draft report for IOC review & approval

One of the chores of the IOC is to take into account the audits for the IOC and recommend corrective actions. A draft audit summary report was handed out, but not reviewed.

ACTION: Dave will send the report out by email to a review and set a due date.

The next IOC meeting is MAY 11, 2005

ACTION: Jaime will reserve a meeting room and notify IOC members.